

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants	:	Jacobi et al.
Appl. No.	:	09/933,277
Filed	:	August 20, 2001
For	:	SERVICES FOR INCREASING THE UTILITY OF ELECTRONIC WISH LISTS
Examiner	:	Ronald Laneau
Group Art Unit	:	3627

SECOND APPEAL BRIEF

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

This Second Appeal Brief is responsive to the Office Action mailed on December 16, 2005 (the “current Office Action”), which the Examiner issued in response to Appellants’ original Appeal Brief. By filing this Second Appeal Brief and a Second Notice of Appeal, Appellants are reinstating the original appeal.

In the current Office Action, the Examiner reverts back to a basis for rejection that has already been overcome. Specifically, the Examiner rejects the claims—as he previously did in the Office Action of November 11, 2004—on obviousness grounds over Knorr et al. in view of Covington et al. and further in view of Westrope et al.¹

¹ Appellants previously traversed this basis for rejection in part by arguing that the Examiner had relied on subject matter in Covington et al. that is not “prior art.” In the Office Action mailed on May 17, 2005, Response to Arguments section, the Examiner responded by withdrawing his reliance on Covington et al, indicated that Covington et al. “is not considered prior art.”

Appl. No. : 09/933,277
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I. REAL PARTY IN INTEREST

The real party in interest in the present application is Amazon.com, Inc.

II. RELATED APPEALS AND INTERFERENCES

No related appeals, interferences or judicial proceedings are currently pending.

III. STATUS OF CLAIMS

Claims 1-35, which are attached hereto as an appendix, are currently pending in the application and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendments have been made in response to the current Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application includes four independent claims. Each independent claim is paraphrased below, with citations to corresponding portions of the specification and drawings as required by 37 C.F.R. § 41.37(c)(1)(v). These citations are provided in order to illustrate specific examples and embodiments of the recited claim language, and not to limit the claims.

Claim 1 is directed to an electronic catalog system. The system comprises:

- an electronic catalog of items that are available for purchase, the electronic catalog including pages that include descriptions of the items, and providing functionality for online users to select items to purchase (see, e.g., example catalog page shown in Fig. 1, and corresponding description at page 7, lines 5-21; and page 6, lines 1-8);
- a wish list application (318 in Fig. 3) that provides functionality for users of the electronic catalog to create wish lists with items selected from the electronic catalog, and to purchase items as gifts from the wish lists of other users (see, e.g., page 2, lines 13-15; and page 15, lines 3-8);

- a database (324 in Fig. 3) which stores information about affiliations between the users (see, e.g., page 10, lines 13-18; and page 14, lines 23-27); and
- a notification component (320 in Fig. 3) which is responsive, to an online request from a first user for a catalog page which includes a description of a first item, by at least (a) determining whether the first item is on an electronic wish list of a user who is affiliated with the first user (see, e.g., block 412 of Fig. 4), and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first user, supplementing the page with a notification that the first item is on the wish list of the second user (see, e.g., page 2, lines 6-26; Fig. 1, notification message 102; Fig. 4, block 414; and page 16, lines 5-30);
- whereby users are notified, during browsing of the electronic catalog, when accessed items are on the electronic wish lists of other users.

Independent Claim 12 is directed to a method of assisting users in selecting items to purchase from an electronic catalog of items. The method comprises:

- maintaining electronic wish lists for each of a plurality of users (see, e.g., 324 in Fig. 3, page 14, lines 23-27; and page 15, lines 3-8);
- for at least a first user, maintaining data indicating a set of other users that are affiliated with the first user ("affiliated users") (see, e.g., page 2, lines 9-13; page 9, line 22 to page 11, line 28; page 14, lines 23-27; 202 in Fig. 2A; blocks 210 and 212 in Fig. 2B; and 324 in Fig. 3);
- monitoring browsing of the electronic catalog by the first user to determine whether items accessed by the first user are on electronic wish lists of the affiliated users (see, e.g., page 8, line 30 to page 9, line 3; Fig. 4, blocks 408 and 412; and page 16, lines 5-30); and
- notifying the first user during said browsing of the electronic catalog when an accessed item is determined to be on an electronic wish list of an affiliated user (see, e.g., page 2, lines 6-26; notification message 102 in Fig. 1; Fig. 4, blocks 414 and 418; and page 16, lines 27-30).

Independent Claim 24 is directed to a method of assisting users in selecting items to purchase from an electronic catalog of items. The method comprises:

- maintaining an electronic wish list of a first user, the electronic wish list including items selected from the electronic catalog by the first user and being accessible to other users (see, e.g., 324 in Fig. 3, page 14, lines 23-27; and page 15, lines 3-8);
- in response to a second user purchasing an item from the electronic wish list of the first user, updating a data repository (324 in Fig. 3) to indicate that the first user is affiliated with the second user (see page 2, lines 27-29; Fig. 2B, block 210; and page 11, line 8 to page 12, line 26); and
- subsequently to updating the data repository, monitoring browsing of the electronic catalog by the second user and, during said browsing of the electronic catalog, notifying the second user when an item accessed by the second user is on the electronic wish list of the first user (see, e.g., page 2, lines 16-20; notification 102 in Fig. 1; page 7, lines 5-28; Fig. 4; and page 16, lines 5-30).

Independent Claim 33 is directed to a method of assisting users in selecting items to purchase from an electronic catalog of items. The method comprises:

- maintaining electronic wish lists for each of a plurality of users (see, e.g., 324 in Fig. 3, page 14, lines 23-27; and page 15, lines 3-8);
- for at least a first user, maintaining affiliation data indicating a set of other users that are affiliated with the first user ("affiliated users") (see, e.g., page 2, lines 9-13; page 9, line 22 to page 11, line 28; 202 in Fig. 2A; blocks 210 and 212 in Fig. 2B; and 324 in Fig. 3);
- maintaining similarity data which indicates similarities between items in the catalog (see, e.g., page 3, lines 7-12; page 17, line 15 to page 18, line 12; and "related items table" 340 in Fig. 3); and
- when the first user accesses a first item in the electronic catalog, determining whether, and notifying the first user if, the first item is similar to an item on an electronic wish list of an affiliated user, as reflected by the similarity data (see, e.g., page 3, lines 7-12; and page 18, lines 13-21).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following ground for rejection is to be reviewed on appeal: the rejection of Claims 1-35 under 35 U.S.C. § 103(a) as being unpatentable over Knorr et al. (US 2002/0077929) in view of Covington et al. (US 2003/0154135 A1) and further in view of Westrope et al. (US 5,721,832), hereinafter referred to collectively as the "applied references."

VII. ARGUMENT

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1555, 1556 (Fed. Cir. 1993). The Examiner may satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

As set forth below, the Examiner has failed to satisfy this burden with respect to each of the rejected claims because (1) at least some of the subject matter disclosed in Covington et al. and relied on by the Examiner is not "prior art," (2) even if the references were combined and treated as prior art, they still would not teach or suggest all of the claim limitations; and (3) the Examiner has not identified a teaching, suggestion or motivation to combine the references. By declining to present arguments with respect to some of the dependent claims, Appellants do not imply that the limitations added by such claims are disclosed or suggested by the references.

Independent Claim 1

The rejection of independent Claim 1 is improper for the following reasons: (1) at least some of the subject matter disclosed in Covington et al. and relied on by the Examiner is not "prior art," (2) even if the references were combined and treated as prior art, they still would not teach or suggest all of the claim limitations; and (3) the Examiner has not identified a teaching, suggestion or motivation to combine the references. Each of these reasons is discussed below.

As a preliminary matter, Applicants note that the Examiner apparently did not rely on the disclosure of Westrope in rejecting Claim 1. Accordingly, Appellants' arguments in connection with Claim 1 will focus on the other two references, Knorr et al. and Covington et al.

1. At least some of the subject matter disclosed in Covington et al. and relied on by the Examiner is not “prior art.”

The rejection of Claim 1 is improper because at least some of the subject matter disclosed in Covington et al. and relied on by the Examiner is not “prior art.” Covington et al. was filed after the present application, and is a continuation-in-part of U.S. Appl. No. 09/705,252 (hereinafter “the Covington et al. parent”), which was filed prior to the present application. Pursuant to M.P.E.P. § 706.02(f)(1), the “102(e) date of a reference ... is its earliest effective U.S. filing date, taking into consideration any proper benefit claims to prior U.S. applications ... *if the prior application(s) properly support the subject matter used to make the rejection*” (emphasis added). Thus, subject matter which is disclosed only in Covington et al., and not in the Covington et al. parent, cannot be “prior art” under 35 U.S.C. § 102(e) to the present application.

In rejecting the claims, the Examiner relies on subject matter that is disclosed only in Covington et al., and not in the Covington et al. parent. For example, at page 4, lines 4-8 of the current Office Action, the Examiner refers to “allow[ing] the user to select one or more buyers from an address book and notify the selected buyers of a specific wish list.” Although the current Office Action does not cite Covington et al. in connection with this address book feature, the Examiner is clearly referring to, and relying on, the subject matter disclosed in the last sentence of paragraph 12 of Covington. Indeed, the Examiner cited this exact portion of Covington et al. in the Office Action of November 26, 2004 when referring to this same feature. Because this address book feature is not disclosed in the Covington et al. parent or any other application to which Covington et al. claims priority, the Examiner’s reliance on this disclosure of Covington et al. is improper, and the rejection of Claim 1 should be reversed.

2. Even if all three references were combined and treated as prior art, they still would not teach or suggest all of the claim limitations.

Even if the entire disclosure of Covington et al. were treated as prior art and the three references were treated as combinable, the obviousness rejection of Claim 1 would still be improper because the applied references do not collectively teach or suggest all of the claim limitations. For example, the applied references do not teach or suggest the following limitations:

a notification component which is responsive, to an online request from a first user for a catalog page which includes a description of a first item, by at least (a) determining whether the first item is on an electronic wish list of a user who is affiliated with the first user, and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first user, supplementing the page with a notification that the first item is on the wish list of the second user;

whereby users are notified, during browsing of the electronic catalog, when accessed items are on the electronic wish lists of other users.

In connection with the above-quoted claim language, the Examiner points primarily to Covington et al, citing paragraphs 0013-0015, Figures 22a-b, and paragraph 0132. Current Office Action at page 3, entire page. Covington et al. discloses a system in which a user wishing to create a wish list on a shopping web site can do so by, among other ways, using a handheld scanner to scan-in items at participating stores. The scanned-in item information is then uploaded to a central database associated with the web site. Once the wish list has been created, the user can optionally create an access control list (ACL) specifying the users authorized to access the wish list. These authorized users (referred to as "buyers") can then access the wish list, and make purchases therefrom, by going to the web site and searching for the wish list. The user who creates the wish list can also generate an email notification that provides selected buyers with access information, which may include a hyperlink, for accessing the wish list. See Covington et al. at, e.g., abstract, and paragraphs 0012-0014 and 0132-0135.

Covington et al. does not teach or suggest a notification component capable of providing a notification as described in the above-quoted language of Claim 1. Rather, in Covington et al's system, when a first user accesses an electronic catalog page describing an item that happens to be on a second user's wish list, the first user would not be so notified. This is true regardless of whether the second user has granted the first user access to, or has previously notified the first user of, the wish list. If the first user wishes to find out whether this item is on the second user's wish list, the first user would apparently have to manually search for or browse to the second user's wish list, and then review this wish list to determine whether it includes the particular item. Because the first user may not think or wish to perform these steps, the first user in this scenario is less likely to find out that the item being viewed in the catalog is on the wish list of the second user.

Knorr et al. discloses an electronic catalog system in which a buyer can schedule the delivery of a gift item to a gift recipient. Although Knorr et al. briefly mentions wish list services (see paragraph 0006), the reference does not disclose any mechanism for notifying users of the wish lists of others, or of the items included on such wish lists. Thus, if Knorr et al. were combined with Covington et al., the combined system would apparently use nothing more than the wish list access and notification methods of Covington et al., and would thus suffer from the same deficiencies. The Examiner does not point to anything in the applied references to suggest otherwise. Thus, the combined system would not meet the above-quoted limitations of Claim 1.

3. The Examiner has not identified a teaching, suggestion or motivation to combine the applied references.

The rejection of Claim 1 is also improper because the Examiner has not identified a teaching, suggestion or motivation to combine the teachings of Knorr et al. and Covington et al. In connection with this issue, the Examiner asserts that it would have been obvious to combine these two references because the combination “would provide a system that allows buyers to easily shop for others by searching for a user's wish list and personal preferences at the system Web and also allow the user to select one or more buyers from an address book and notify the selected buyers of a specific wish list.” Current Office Action at page 4, lines 4-8. This assertion, however, appears to be nothing more than a statement of what is disclosed in the last two sentences of paragraph 0012 of Covington et al. As such, it is not a teaching, suggestion or motivation to combine the teachings of Knorr et al. and Covington et al.

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness in connection with Claim 1, and the rejection is improper.

Dependent Claim 2

Claim 2 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 2 is improper because the applied references do not teach or suggest the limitations added by Claim 2, namely “a cache memory which stores wish lists of users affiliated with the first user while the first user browses the electronic catalog, wherein the notification component accesses the cache memory to determine whether items viewed by the first user are on the wish lists of users affiliated with the first user.” The current Office Action does not fully address these limitations. Indeed, the

Appl. No. : 09/933,277
Filed : August 20, 2001

applied references do not even disclose a cache memory, let alone a cache memory that functions and is used as described in this claim.

Dependent Claim 3

Claim 3 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 3 is improper because the applied references do not teach or suggest the limitations added by Claim 3, namely “a component that updates the database to indicate an affiliation between two users as a result of one user purchasing a gift for the other user.” The current Office Action does not fully address these limitations.

Dependent Claim 4

Claim 4 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 4 is improper because the applied references do not teach or suggest the limitations added by Claim 4, namely “a component that updates the database to indicate an affiliation between two users as a result of one user sending an electronic card to the other user.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose the generation or use of electronic-card-based affiliations between users.

Dependent Claim 5

Claim 5 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 5 is improper because the applied references do not teach or suggest the limitations added by Claim 5, namely “a form page from which users may explicitly create affiliations with other users.” The current Office Action does not fully address these limitations.

Dependent Claim 6

Claim 6 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 6 is improper because the applied references do not teach or suggest the limitations added by Claim 6, namely “wherein the notification component is further responsive to the online request by notifying the first user if the first item is similar to an item on a wish list of an affiliated user.” The current Office Action

Appl. No. : 09/933,277
Filed : August 20, 2001

does not fully address these limitations. The applied references simply do not teach notifying a user if an item is similar to an item on a wish list of an affiliated user.

Dependent Claim 7

Claim 7 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 7 is improper because the applied references do not teach or suggest the limitations added by Claim 7, namely “wherein the notification component provides, within the notification, a selectable link to the wish list of the second user.” The current Office Action does not fully address these limitations.

Dependent Claim 8

Claim 8 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 8 is improper because the applied references do not teach or suggest the limitations added by Claim 8, namely “wherein the notification component indicates, within the notification, at least one of (a) a date the first item was added to the wish list, and (b) a date the wish list was last updated.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose the use of notifications containing either of these two types of information.

Dependent Claim 9

Claim 9 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 9 is improper because the applied references do not teach or suggest the limitations added by Claim 9, namely “wherein the notification component provides, within the notification, information about an upcoming gift-giving event associated with the second user.” The current Office Action does not fully address these limitations.

Dependent Claim 10

Claim 10 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 10 is improper because the applied references do not teach or suggest the limitations added by Claim 10, namely “wherein the catalog page is a product detail page.” The current Office Action does not fully address these limitations.

Appl. No. : 09/933,277
Filed : August 20, 2001

Independent Claim 12

The rejection of Claim 12 is improper because, as explained above for Claim 1, the rejection is based in part on subject matter in Covington et al. which is not prior art, and the Examiner has not identified a teaching, suggestion or motivation to combine Knorr et al. and Covington et al.

The rejection of Claim 12 is also improper because the applied references do not teach or suggest "monitoring browsing of the electronic catalog by the first user to determine whether items accessed by the first user are on electronic wish lists of the affiliated users; and notifying the first user during said browsing of the electronic catalog when an accessed item is determined to be on an electronic wish list of an affiliated user," in the context of the other claim limitations. Even if Covington et al.'s wish list access and notification methods were used in Knorr et al.'s electronic catalog system, the combined system would not operate in this manner. Rather, as discussed above, if a first user wants to know whether an item accessed in an electronic catalog is on the wish lists of one or more affiliated users, the first user would apparently have to manually locate and review the wish lists of these affiliated users.

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness for Claim 12, and the rejection is improper.

Dependent Claim 13

Claim 13 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 13 is improper because the applied references do not teach or suggest the limitations added by Claim 13, namely "wherein monitoring browsing of the electronic catalog by the first user comprises maintaining wish lists of at least some of the affiliated users in a cache memory, and using the cache memory to determine whether items accessed by the first user are on electronic wish lists of the affiliated users." The current Office Action does not fully address these limitations. The applied references do not disclose the use of a cache memory, let alone the particular use described in this claim.

Dependent Claim 14

Claim 14 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 14 is improper

Appl. No. : 09/933,277
Filed : August 20, 2001

because the applied references do not teach or suggest the limitations added by Claim 14, namely “updating the data to add a second user to the set of affiliated users in response to one of the following: (a) the first user purchasing an item from an electronic wish list of the second user; (b) the first user purchasing a gift for the second user; or (c) the first user sending an electronic card to the second user.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose any of these three mechanisms for detecting or creating affiliations between users, particularly in the context of the independent claim.

Dependent Claim 15

Claim 15 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 15 is improper because the applied references do not teach or suggest the limitations added by Claim 15, namely “providing an option for the first user to explicitly designate said affiliated users.” The current Office Action does not fully address these limitations.

Dependent Claim 16

Claim 16 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 16 is improper because the applied references do not teach or suggest the limitations added by Claim 16, namely “wherein notifying the first user comprises displaying a notification message on a catalog page that includes a description of the accessed item.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose the display of notification messages on catalog pages.

Dependent Claim 17

Claim 17 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 17 is improper because the applied references do not teach or suggest the limitations added by Claim 17, namely “wherein the catalog page is a product detail page for the accessed item.” The current Office Action does not fully address these limitations.

Appl. No. : 09/933,277
Filed : August 20, 2001

Dependent Claim 18

Claim 18 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 18 is improper because the applied references do not teach or suggest the limitations added by Claim 18, namely “wherein the catalog page is a search results page generated in response to a query submission by the first user.” The current Office Action does not fully address these limitations.

Dependent Claim 19

Claim 19 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 19 is improper because the applied references do not teach or suggest the limitations added by Claim 19, namely “wherein the catalog page is a category page that includes a list of items falling within a particular category of the electronic catalog.” The current Office Action does not fully address these limitations.

Dependent Claim 20

Claim 20 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 20 is improper because the applied references do not teach or suggest the limitations added by Claim 20, namely “wherein the notification message includes an explicit or implicit indication of at least one of (a) a date the accessed item was added to the wish list, and (b) a date the wish list was last updated.” The current Office Action does not fully address these limitations.

Dependent Claim 21

Claim 21 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 21 is improper because the applied references do not teach or suggest the limitations added by Claim 21, namely “wherein the notification message includes information about an upcoming gift-giving event associated with the second user.” The current Office Action does not fully address these limitations.

Dependent Claim 23

Claim 23 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 23 is improper

Appl. No. : 09/933,277
Filed : August 20, 2001

because the applied references do not teach or suggest the limitations added by Claim 23, namely “determining whether, and notifying the first user when, an accessed item is similar to an item on a wish list of an affiliated user.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose any type of functionality for determining whether an item accessed by one user is similar to an item on a wish list of another user.

Independent Claim 24

The rejection of Claim 24 is improper because, as explained above for Claim 1, the rejection is based in part on subject matter (namely the address book feature) in Covington et al. which is not prior art, and the Examiner has not identified a teaching, suggestion or motivation to combine Knorr et al. and Covington et al.

The rejection of Claim 24 is also improper because the applied references do not collectively teach or suggest the following limitations: “in response to a second user purchasing an item from the electronic wish list of the first user, updating a data repository to indicate that the first user is affiliated with the second user.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not teach the creation or use of purchase-based affiliations between users.

The rejection of Claim 24 is also improper because the applied references do not collectively teach or suggest the following limitations: “subsequently to updating the data repository, monitoring browsing of the electronic catalog by the second user and, during said browsing of the electronic catalog, notifying the second user when an item accessed by the second user is on the electronic wish list of the first user.” As explained above in connection with Claim 1, a system resulting from combining the applied references would not notify the second user in this scenario that the item is on the wish list of the first user. Rather, the second user would have to locate and review the first user’s wish list to make this determination.

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness for Claim 24, and the rejection is improper.

Appl. No. : 09/933,277
Filed : August 20, 2001

Dependent Claim 25

Claim 25 depends from Claim 24, and is therefore allowable over the applied references for the reasons set forth above for Claim 24. In addition, the rejection of Claim 25 is improper because the applied references do not teach or suggest the limitations added by Claim 25, namely “wherein notifying the second user comprises supplementing a page of the catalog with a message indicating that an item displayed therein is on the wish list of the first user, said message provided as a result of said updating of the data repository.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose supplementing a catalog page with this or a similar type of message.

Dependent Claim 26

Claim 26 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 26 is improper because the applied references do not teach or suggest that the recited page is “a product detail page for the item.” The current Office Action does not fully address these limitations.

Dependent Claim 27

Claim 27 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 27 is improper because the applied references do not teach or suggest that the recited page is “a search results page generated in response to a query submitted by the second user.” The current Office Action does not fully address these limitations.

Dependent Claim 28

Claim 28 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 28 is improper because the applied references do not teach or suggest that the recited page is “a category page that includes a list of items falling within a particular category of the electronic catalog.” The current Office Action does not fully address these limitations.

Dependent Claim 29

Claim 29 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 29 is improper

Appl. No. : 09/933,277
Filed : August 20, 2001

because the applied references do not teach or suggest the limitations added by Claim 29, namely “wherein the message indicates at least one of (a) a date the item was added to the wish list, and (b) a date the wish list was last updated.” The current Office Action does not fully address these limitations.

Dependent Claim 30

Claim 30 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 30 is improper because the applied references do not teach or suggest the limitations added by Claim 30, namely “wherein the message includes information about an upcoming gift-giving event associated with the first user.” The current Office Action does not fully address these limitations.

Dependent Claim 32

Claim 32 depends from Claim 24, and is therefore allowable over the applied references for the reasons set forth above for Claim 24. In addition, the rejection of Claim 32 is improper because the applied references do not teach or suggest the limitations added by Claim 32, namely “determining whether, and notifying the second user when, an accessed item is similar to an item on a wish list of the first user.” The current Office Action does not fully address these limitations. As mentioned above, the applied references do not disclose functionality for determining whether an item accessed by one user is similar to an item on a wish list of another user.

Independent Claim 33

The rejection of Claim 33 is improper because, as explained above for Claim 1, the rejection is based in part on subject matter in Covington et al. which is not prior art, and the Examiner has not identified a teaching, suggestion or motivation to combine Knorr et al. and Covington et al.

The rejection of Claim 33 is also improper because the applied references do not collectively teach or suggest the following limitations: “when the first user accesses a first item in the electronic catalog, determining whether, and notifying the first user if, the first item is similar to an item on an electronic wish list of an affiliated user, as reflected by the similarity data,” in the context of the other claim limitations. The current Office Action does not fully address these limitations, and particularly the limitations relating to item similarity. Nothing in

Appl. No. : 09/933,277
Filed : August 20, 2001

the applied references suggests providing any type of wish list related notification to the first user in the scenario described in this claim. In addition, nothing in the applied references suggests determining whether an item accessed by one user is similar to an item on a wish list of another user.

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness for Claim 33, and the rejection is improper.

Dependent Claim 34

Claim 34 depends from Claim 33, and is therefore allowable over the applied references for the reasons set forth above for Claim 33. In addition, the rejection of Claim 34 is improper because the applied references do not teach or suggest the limitations added by Claim 34, namely “further comprising generating the similarity data at least by analyzing user browsing histories to identify items that are accessed in combination relatively frequently.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not teach the analysis of user browse histories to identify items that are accessed in combination relatively frequently.

Dependent Claim 35

Claim 35 depends from Claim 33, and is therefore allowable over the applied references for the reasons set forth above for Claim 33. In addition, the rejection of Claim 35 is improper because the applied references do not teach or suggest the limitations added by Claim 35, namely “further comprising updating the affiliation data, in response to the first user purchasing an item from an electronic wish list of a second user, to add the second user to the set of affiliated users.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose such a method for detecting/recording affiliations between users, particularly in the context of the independent claim.

Appl. No. : 09/933,277
Filed : August 20, 2001

VIII. CONCLUSION

For the reasons set forth above, the rejections of Claims 1-35 are improper and should be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

1. An electronic catalog system, comprising:
 - an electronic catalog of items that are available for purchase, the electronic catalog including pages that include descriptions of the items, and providing functionality for online users to select items to purchase;
 - a wish list application that provides functionality for users of the electronic catalog to create wish lists with items selected from the electronic catalog, and to purchase items as gifts from the wish lists of other users;
 - a database which stores information about affiliations between the users; and
 - a notification component which is responsive, to an online request from a first user for a catalog page which includes a description of a first item, by at least (a) determining whether the first item is on an electronic wish list of a user who is affiliated with the first user, and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first user, supplementing the page with a notification that the first item is on the wish list of the second user;whereby users are notified, during browsing of the electronic catalog, when accessed items are on the electronic wish lists of other users.
2. The system of Claim 1, further comprising a cache memory which stores wish lists of users affiliated with the first user while the first user browses the electronic catalog, wherein the notification component accesses the cache memory to determine whether items viewed by the first user are on the wish lists of users affiliated with the first user.
3. The system of Claim 1, further comprising a component that updates the database to indicate an affiliation between two users as a result of one user purchasing a gift for the other user.
4. The system of Claim 1, further comprising a component that updates the database to indicate an affiliation between two users as a result of one user sending an electronic card to the other user.
5. The system of Claim 1, further comprising a form page from which users may explicitly create affiliations with other users.

6. The system of Claim 1, wherein the notification component is further responsive to the online request by notifying the first user if the first item is similar to an item on a wish list of an affiliated user.

7. The system of Claim 1, wherein the notification component provides, within the notification, a selectable link to the wish list of the second user.

8. The system of Claim 1, wherein the notification component indicates, within the notification, at least one of (a) a date the first item was added to the wish list, and (b) a date the wish list was last updated.

9. The system of Claim 1, wherein the notification component provides, within the notification, information about an upcoming gift-giving event associated with the second user.

10. The system of Claim 1, wherein the catalog page is a product detail page.

11. The system of Claim 1, wherein the catalog page includes a list of items.

12. A method of assisting users in selecting items to purchase from an electronic catalog of items, the method comprising:

maintaining electronic wish lists for each of a plurality of users;

for at least a first user, maintaining data indicating a set of other users that are affiliated with the first user ("affiliated users");

monitoring browsing of the electronic catalog by the first user to determine whether items accessed by the first user are on electronic wish lists of the affiliated users; and

notifying the first user during said browsing of the electronic catalog when an accessed item is determined to be on an electronic wish list of an affiliated user.

13. The method of Claim 12, wherein monitoring browsing of the electronic catalog by the first user comprises maintaining wish lists of at least some of the affiliated users in a cache memory, and using the cache memory to determine whether items accessed by the first user are on electronic wish lists of the affiliated users.

14. The method of Claim 12, further comprising updating the data to add a second user to the set of affiliated users in response to one of the following: (a) the first user purchasing an item from an electronic wish list of the second user; (b) the first user purchasing a gift for the second user; or (c) the first user sending an electronic card to the second user.

15. The method of Claim 12, further comprising providing an option for the first user to explicitly designate said affiliated users.

16. The method of Claim 12, wherein notifying the first user comprises displaying a notification message on a catalog page that includes a description of the accessed item.

17. The method of Claim 16, wherein the catalog page is a product detail page for the accessed item.

18. The method of Claim 16, wherein the catalog page is a search results page generated in response to a query submission by the first user.

19. The method of Claim 16, wherein the catalog page is a category page that includes a list of items falling within a particular category of the electronic catalog.

20. The method of Claim 16, wherein the notification message includes an explicit or implicit indication of at least one of (a) a date the accessed item was added to the wish list, and (b) a date the wish list was last updated.

21. The method of Claim 16, wherein the notification message includes information about an upcoming gift-giving event associated with the second user.

22. The method of Claim 12, wherein notifying the first user comprises outputting an audible message.

23. The method of Claim 12, further comprising determining whether, and notifying the first user when, an accessed item is similar to an item on a wish list of an affiliated user.

24. A method of assisting users in selecting items to purchase from an electronic catalog of items, the method comprising:

maintaining an electronic wish list of a first user, the electronic wish list including items selected from the electronic catalog by the first user and being accessible to other users;

in response to a second user purchasing an item from the electronic wish list of the first user, updating a data repository to indicate that the first user is affiliated with the second user; and

subsequently to updating the data repository, monitoring browsing of the electronic catalog by the second user and, during said browsing of the electronic catalog,

notifying the second user when an item accessed by the second user is on the electronic wish list of the first user.

25. The method of Claim 24, wherein notifying the second user comprises supplementing a page of the catalog with a message indicating that an item displayed therein is on the wish list of the first user, said message provided as a result of said updating of the data repository.

26. The method of Claim 25, wherein the page is a product detail page for the item.

27. The method of Claim 25, wherein the page is a search results page generated in response to a query submitted by the second user.

28. The method of Claim 25, wherein the page is a category page that includes a list of items falling within a particular category of the electronic catalog.

29. The method of Claim 25, wherein the message indicates at least one of (a) a date the item was added to the wish list, and (b) a date the wish list was last updated.

30. The method of Claim 25, wherein the message includes information about an upcoming gift-giving event associated with the first user.

31. The method of Claim 24, wherein notifying the second user comprises outputting an audible message.

32. The method of Claim 24, further comprising determining whether, and notifying the second user when, an accessed item is similar to an item on a wish list of the first user.

33. A method of assisting users in selecting items to purchase from an electronic catalog of items, the method comprising:

maintaining electronic wish lists for each of a plurality of users;

for at least a first user, maintaining affiliation data indicating a set of other users that are affiliated with the first user ("affiliated users");

maintaining similarity data which indicates similarities between items in the catalog; and

when the first user accesses a first item in the electronic catalog, determining whether, and notifying the first user if, the first item is similar to an item on an electronic wish list of an affiliated user, as reflected by the similarity data.

Appl. No. : 09/933,277
Filed : August 20, 2001

34. The method of Claim 33, further comprising generating the similarity data at least by analyzing user browsing histories to identify items that are accessed in combination relatively frequently.

35. The method of Claim 33, further comprising updating the affiliation data, in response to the first user purchasing an item from an electronic wish list of a second user, to add the second user to the set of affiliated users.

Appl. No. : 09/933,277
Filed : August 20, 2001

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None